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Attorneys for Plaintiff:
Federal National Mortgage Association

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

v.

NEVADA ASSOCIATION SERVICES, INC.;
MOUNTAIN SHADOWS HOMEOWNER'S
ASSOCIATION, INC,

Defendants.

Case No.: 2:18-cv-00017-JCM-VCF

**STIPULATION AND ORDER TO
DEPOSIT EXCESS PROCEEDS WITH
COURT**

Plaintiff FEDERAL NATIONAL MORTGAGE ASSOCIATION ("Fannie Mae"),
Defendant MOUNTAIN SHADOWS HOMEOWNER'S ASSOCIATION, INC. (the "HOA"), and
Defendant NEVADA ASSOCIATION SERVICES, INC. ("NAS" and collectively the "Parties")
by and through their respective counsel of record, hereby stipulate and agree as follows:

1. Fannie Mae filed its Complaint in the above-captioned matter on January 4, 2018,
seeking to recover excess proceeds as a result of an NRS 116 foreclosure sale conducted by NAS
on behalf of the HOA. (*See* ECF No. 1).

2. The HOA filed its Motion to Dismiss on January 31, 2018 (*See* ECF No. 9).

3. In resolution of the Complaint and Motion to Dismiss, the Parties agree that the
excess proceeds at issue shall be deposited with the Clerk of the Court in accordance with Fed. R.
Civ. P. 67(a).

1 4. Within ten (10) days after the Court enters an Order adopting this Stipulation, NAS
2 shall deposit excess proceeds in the amount of \$133,110.49 (hereinafter the "Excess Proceeds")
3 with the Clerk of the Court for the Court to adjudicate any and all rights to the Excess Proceeds.

4 5. Fannie Mae shall thereafter amend its Complaint as a matter of course to remove
5 the HOA and NAS as party defendants, and to name the heirs of Carl D. Calos as defendants who
6 are other potential claimants to the Excess Proceeds.

7 6. Upon depositing the Excess Proceeds and upon the filing of the Amended
8 Complaint, the claims against NAS and the HOA will be rendered moot and both NAS and the
9 HOA shall be considered dismissed without prejudice from the above-captioned with each party to
10 bear their own attorney's fees and costs as to each other.

11 7. The Motion to Dismiss (ECF No. 9) is hereby withdrawn as a result of this
12 Stipulation and Order.

13 DATED this 9th day of March, 2018.

14 LEACH JOHNSON SONG & GRUCHOW

ALDRIDGE PITE, LLP

15 */s/ T. Chase Pittsenbarger*

/s/ Jory C. Garabedian

16 _____
17 T. Chase Pittsenbarger
18 Nevada Bar No. 13740
19 *Attorneys for Defendant*
20 *Mountain Shadows Homeowners' Assoc., Inc.*

Jory C. Garabedian
Nevada Bar No. 10352
Attorneys for Plaintiff
Federal National Mortgage Association

19 NEVADA ASSOCIATION SERVICES, INC.

20 */s/ Brandon E. Wood*

21 _____
22 Brandon E. Wood
23 Nevada Bar No. 12900
24 *Attorney for Defendant*
25 *Nevada Association Services, Inc.*

IT IS SO ORDERED:

26 
27 _____
28 U.S. DISTRICT COURT JUDGE

DATED: March 21, 2018

CERTIFICATE OF SERVICE

I, the undersigned, declare: I am, and was at the time of service of the papers herein referred to, over the age of 18 years, and not a party to this action. My business address is 1400 East Southern Avenue, Suite 650, Tempe, Arizona 85282.

I hereby certify that I served the foregoing **STIPULATION AND ORDER TO DEPOSIT EXCESS PROCEEDS WITH COURT** via the CM/ECF e-file system to the following parties:

Timothy C. Pittsenbarger cpittsenbarger@leachjohnson.com
 glacascia@leachjohnson.com
 pgutierrez@leachjohnson.com
 rcallaway@leachjohnson.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 9th day of March, 2018, at Tempe, Arizona.



CHELSEA MILLER
An employee of Aldridge Pite, LLP